

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRANDY HUDSON,

Plaintiff,

V.

Case No. 1:11-cv-01384-JDB-egb

LAW OFFICE OF L. RYAN
COPELAND, P.C, LINDSAY RYAN
COPELAND, and JOHN DOE(s),

Defendants.

ORDER

On referral to the Magistrate Judge for report and recommendation is Plaintiff's March 7, 2012 Motion for Default Judgment against Defendants Law Office of L. Ryan Copeland, P.C., Lindsay Ryan Copeland and John Doe(s).

This Complaint was filed on December 14, 2011 alleging four violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* It appears the Defendant Law Office of L. Ryan Copeland, P.C. and Defendant Lindsey Ryan Copeland were served with process on December 29, 2011. Neither has made an appearance or response. Likewise, there has been no response made by either Copeland Defendant regarding the Entry of Default by the clerk of the District Court [D.E. 8] or to the Motion for Default Judgment of the Plaintiff [D.E. 9].

If a defendant fails to plead or defend as required by the Rules, the clerk or judge may enter default upon a plaintiff's request. Rule 55(a); *Shepard Claims Service, Inc. v. William Darrah & Associates*, 796 F.2d 190, 194 (6th Cir. 1986) (When a defendant fails to file a responsive answer, he is in default, and an entry of default may be made by either the clerk or the judge.). Then, if no hearing is needed to ascertain damages, judgment by default may be entered. Rule 55(b); *United Coin Meter Co., Inc. v. Seaboard Coastline RR.*, 705 F.2d 839, 844 (6th Cir. 1983) (citing *Meehan v. Snow*, 652 F.2d 274 (2d Cir. 1981)). Rule 55(b)(2) specifies that a default judgment “may be entered against a minor or incompetent person only if represented by a general guardian, conservator or other like fiduciary who has appeared.”

Plaintiff's attorney has not stated in his affidavit that Defendants are neither minors, incompetent persons nor a member of the military. Accordingly, the Court will hold the Motion in abeyance pending Plaintiff's attorney's submission of this necessary information.

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: **March 28, 2012**